

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:19-CV-543-RJC-DCK**

**STEVEN DAVIDSON, individually, and on behalf  
of others similarly situated,**

**Plaintiff,**

**v.**

**DAIMLER TRUCKS NORTH AMERICA LLC,**

**Defendant.**

**ORDER**

**THIS MATTER IS BEFORE THE COURT** on the “Joint Motion To Dismiss North Carolina Wage And Hour Act Claim Without Prejudice” (Document No. 19) filed December 19, 2019. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, and noting consent of the parties, the undersigned will grant the motion.

**IT IS, THEREFORE, ORDERED** that the “Joint Motion To Dismiss North Carolina Wage And Hour Act Claim Without Prejudice” (Document No. 19) is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff’s claim under the North Carolina Wage and Hour Act (Count II) is **DISMISSED WITHOUT PREJUDICE**, with each side bearing its own attorney’s fees and costs; and

**IT IS FURTHER ORDERED** that Defendant’s “Partial Motion To Dismiss Plaintiff’s Complaint” (Document No. 16) is **DENIED AS MOOT**.

Signed: December 19, 2019

  
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David C. Keesler  
United States Magistrate Judge

